

Respondent's agent for service of process, Susan T. Smith, First Health Group Corp., 3200 Highland Avenue, Downers Grove, Illinois 60515, by certified mail, return receipt requested.

2. Respondent allegedly violated NEB. REV. STAT. § 44-7307(2)(a) (Reissue 2004) as a result of the following conduct:

- a. On or around March 29, 2007, a review of the Petitioner's records by Deb Cooper, Staff Assistant for the Petitioner, showed the Respondent failed to file with Petitioner, a certificate of compliance stating that the Respondent has established and maintains grievance procedures that fully comply with the provisions of the Health Carrier Grievance Procedure Act.

3. Respondent allegedly violated NEB. REV. STAT. § 44-7308(3)(a) (Reissue 2004) as a result of the following conduct:

- a. On or around September 27, 2006, Doug Feeken, ("Complainant"), received from HealthPlan Services, third-party administrator for the Respondent, a written response to a claim appeal filed by Complainant on or around September 12, 2006. Said response by Respondent failed to contain the names, titles, and qualifying credentials of the persons acting as the reviewers in the Complainant's appeal/review request.

4. Respondent allegedly violated NEB. REV. STAT. § 44-7308(3)(g) (Reissue 2004) as a result of the following conduct:

- a. On or around September 27, 2006, Complainant received from HealthPlan Services, third-party administrator for the Respondent, a written response to a claim appeal filed on or around September 12, 2006 by the Complainant. In said response, the Respondent failed to provide the telephone number and address of the Petitioner.

5. Respondent allegedly violated NEB. REV. STAT. § 44-7308(3)(f)(ii) (Resissue 2004) as a result of the following conduct:

- a. On or around September 27, 2006, Complainant received from HealthPlan Services, third-party administrator for the Respondent, a written response to a claim appeal filed on or around September 12, 2006 by the Complainant. In said response, the Respondent failed to provide the Respondent's written procedures for governing a second-level review of the Complainant's claims determination appeal.

6. Respondent was informed of its right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving the right to a public hearing, Respondent also waives the right to confrontation of witnesses, production of evidence, and judicial review.

7. Respondent admits the allegations stated in Paragraph 2, 3, 4, and 5.

CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes a violation of NEB. REV. STAT. §§ 44-7307(2)(a), 44-7308(3)(a), 44-7308(f)(ii), and 44-7308(g) and is subject to disciplinary action pursuant to NEB. REV. STAT. § 44-7313 (Reissue 2004).

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed by Respondent, First Health Life & Health Insurance Company, that Respondent shall pay an administrative fine in the amount of two thousand dollars (\$2000.00) due within 30 days after the Director of Insurance or his designee approves and signs this consent order.

The Department of Insurance will continue to retain jurisdiction over this matter. If Respondent fails to pay the amount required as specified under this consent order, additional administrative action shall be taken by the Petitioner, which may include revocation of Respondent's Nebraska certificate of authority. In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his/her signature below.



Joel F. Green, #22900
Attorney for Petitioner
941 "O" Street, Suite 400
Lincoln, NE 68508
(402) 471-2201

First Health Life & Health Insurance Company,
Respondent

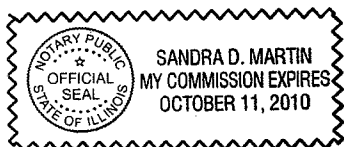
By: 

Date

Date

State of IllinoisCounty of DuPage)
) ss.
)

On this 24th day of April, 2007, an authorized representative of First Health Life & Health Insurance Company personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his/her voluntary act and deed.



Sandra D. Martin
Notary Public

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. First Health Life & Health Insurance Company, Cause No. C-1628.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

L. Tim Wagner

L. TIM WAGNER
Director of Insurance

4/26/07
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent's agent, Susan T. Smith, at First Health Group Corp., 3200 Highland Avenue, Downers Grove, Illinois 60515, by certified mail, return receipt requested on this 30th day of April, 2007.

Tracy A. Luehn